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16 APPLE INC.

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**United States District Court**  
**Northern District of California**

RAJA KANNAN, ) Case No: 17-CV-07305-EJD  
Plaintiff, )  
vs. ) **JOINT STIPULATION and REQUEST TO**  
APPLE, INC., ) **CONTINUE DISCOVERY AND OTHER**  
Defendants ) **PRETRIAL DEADLINES**  
)

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Pursuant to Civil Local Rule 6-1(b) and 7-12, Plaintiff RAJA KANNAN (“Kannan” or “Plaintiff”) and Defendant APPLE INC. (“Apple” or “Defendant”), (collectively “the Parties”),

Stipulation and Request for Extension of Discovery and Pretrial Deadlines

1 by and through their respective counsel of record, hereby stipulate and jointly move the Court as  
2 follows:

3 WHEREAS, there is currently a deadline for completing fact discovery in this matter as  
4 of September 30 and for disclosure of experts by October 1; and

5 WHEREAS in a hearing yesterday and an Order issued today Magistrate Judge DiMarchi  
6 ordered further discovery by the parties which cannot be completed within the current deadlines;  
7 and

8 WHEREAS, the parties have not been able to complete discovery and will not be able to  
9 complete discovery by the current deadlines; and

10 WHEREAS, fact discovery is necessary before experts can be disclosed; and

11 WHEREAS, Apple is seeking a protective order different from the order in place in this  
12 action since April 23 2019 and which would require advance notice to it of experts to whom  
13 Plaintiff and the opportunity to object before materials are sent to the expert which process will  
14 take time and delay production of expert reports;

15 WHEREAS, given that fact and expert discovery are not completed the parties cannot  
16 properly prepare dispositive motions, or a Joint Trial Setting Conference Statement (currently  
17 due on September 30) or knowledgably participate in a Trial Setting Conference (currently set  
18 for October 10);

19 NOW THEREFORE, the Parties hereby stipulate that:

- 20
- 21 1. The deadline for completing fact discovery shall be continued thirty days until  
22 October 31, 2019. This extension does not include promulgation of additional  
23 discovery requests.
  - 24 2. The deadline for initial disclosure of experts shall be continued until December 4,  
25 2019. Disclosure of response experts December 26, 2019. Deadline for disclosure  
26 of reply expert reports January 9, 2020. Close of expert discovery January 20,  
27 2020.

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Stipulation and Request for Extension of Discovery and Pretrial Deadlines

3. The deadline for filing dispositive motions shall be continued until February 3, 2020. Dispositive motion hearing shall be on March 12, 2020.
  4. Trial setting conference March 12, 2020. Joint Trial Setting Statement due March 2, 2020.
  5. The other pretrial dates set by the Court in its Order of December 10, 2018 shall be continued by the Court as appropriate for a similar period.

## IT IS SO STIPULATED.

Dated: September 25, 2019

By: \_\_\_\_\_ /s/  
KAREN E. FORD  
Attorney for Plaintiff  
RAJA KANNAN

Dated: September 25, 2019

By: \_\_\_\_\_/s/  
TODD K. BOYER  
BAKER & MCKENZIE LLP  
Attorney for Defendant  
APPLE INC.

DECLARATION OF COUNSEL LR 6-2(a)

Pursuant to Civil L.R. 6-2(a) and , I, Karen E. Ford, hereby declare and state:

***Reasons for extension.*** There are a number of major issues remaining to be resolved and discovery to be conducted.

There was a discovery hearing concerning Plaintiff's request for production of records on September 24 and the Court entered an order for further discovery that includes at least 6 additional depositions. Deadlines for additional production of documents and other discovery filings are set during the first two weeks of October.

1        This includes the Plaintiff's depositions of a key manager, Kotni, another key manager  
2 Rahul Rastogi, a witness named by Apple, Kiran Kunder, and 30(b)(6) depositions of Apple on  
3 26 topics. Apple has yet to designate the witnesses for the 30(b)(6) deposition or to provide dates  
4 for any of these depositions but the parties are working on these issues and they should be  
5 resolved in the near future.. Documents needed for the depositions have still not been produced  
6 and will be produced in October.

7        Based on the September 25 Order of the court a number of issues remain to be resolved  
8 either by conferral of the parties or further court order

9              Apple intends to take a second deposition of Kannan.

10          All of these issues remain to be resolved and this cannot reasonably be accomplished in  
11 the short time remaining under the existing schedule.

12          Expert reports cannot be prepared until the document production and fact witness  
13 depositions are completed.

14          ***Prejudice and harm to the Parties.*** Plaintiff has not been able to obtain the discovery he  
15 needs to present his case at trial and to respond to any motion for summary judgment. He has  
16 been able to take no depositions and has not yet obtained critical documentary discovery. In  
17 addition, Apple has very recently demanded additional discovery and made new disclosures  
18 which will require additional time to resolve. The deadline for disclosure of experts also needs to  
19 be continued because the Plaintiff's expert would need access to the discovery materials, both  
20 documents and depositions in order to prepare an opinion and report. Plaintiff is now seeking this  
21 information in discovery but so far has been unable to obtain all of it.

22          ***Previous extensions.*** The parties stipulated to a previous extensions of the pretrial  
23 deadlines of sixty days on or about July 11, 2019. See Dkt 106. There were multiple  
24 continuances of the CMC in this matter before current counsel for Plaintiff became involved.  
25 When new counsel for Plaintiff first became involved in the case she sought and was granted a  
26 short extension to file the Second Amended Complaint. Apple sought and was granted an  
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1 extension of time to answer. The CMC was continued to allow for the filing of the SAC and  
2 Answer. Ultimately there was no CMC held in this matter.

3       ***Effect on Other Scheduled Dates.*** It is anticipated that the extension will require a  
4 rescheduling of the dispositive motion deadline (now set for November 21 , the Trial Setting  
5 Conference (now set for October 10, 2019) and the deadline for filing Joint Trial Setting  
6 Statement (now set for September 30). These should be reset by the Court pursuant to its  
7 calendar and in accordance with the stipulation of the parties above.  
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10                      Dated: September 25, 2019  
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12                      By: /s/ Karen E. Ford  
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2                   **[PROPOSED] ORDER**  
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4                   PURSUANT TO THE PARTIES' STIPULATION  
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6                   **IT IS SO ORDERED.**  
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8                   Dated: September 27, 2019  
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12                  Hon. Edward J. Davila  
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14                  UNITED STATES DISTRICT JUDGE  
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Stipulation and Request for Extension of Discovery and Pretrial Deadlines